

The Appeals Board finds that claimant has not proven that he sustained injury to his hearing as a result of his employment with respondent during the period alleged. Dr. Cumming's report fails to indicate when the injury to claimant's hearing occurred, although it does indicate claimant has a history of noise exposure at respondent's refinery for a thirty (30) year period which included an explosion that knocked claimant back

approximately twenty to fifty (20-50) feet. Claimant also testified that during his last six (6) years working for respondent, he spent one-half ($\frac{1}{2}$) of the day in an office environment and one-half ($\frac{1}{2}$) of the day out in the refinery. However, he also testified that he wore protective ear devices when he went out into the refinery. Because the evidence does not establish whether claimant has sustained hearing loss during the period alleged or whether such hearing loss is related to his work activities or other potential causes, the claimant has failed to sustain his burden of proof.

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the Preliminary Hearing Order of Administrative Law Judge John D. Clark entered in this proceeding on July 18, 1995, should be, and hereby is, reversed.

IT IS SO ORDERED.

Dated this ____ day of October, 1995.

BOARD MEMBER

BOARD MEMBER

BOARD MEMBER

c: Robert R. Lee, Wichita, Kansas
Kurt W. Ratzlaff, Wichita, Kansas
John D. Clark, Administrative Law Judge
Philip S. Harness, Director